

**REMARKS**

Claims 2, 5, 8-9, and 12-16 are pending in the present Application. In the Office Action of December 20, 2000, the Examiner objected to claims 1 and 11, and rejected claims 1-11 under 35 U.S.C. §102(b) and §102(e).

Applicant respectfully responds to the Office Action as follows:

**1. Objection to Claims 1 and 11**

The Examiner objected to claims 1 and 11 for informalities as mentioned in the Office Action. Applicant has cancelled claims 1 and 11. Therefore, Applicant respectfully submits that this rejection is moot.

**2. Rejection of Claims 1, 3-4, 6-7, and 9 under 35 U.S.C. § 102(e)**

The Examiner rejected claims 1, 3-4, 6-7, and 9 under 35 U.S.C. §102(e) as being anticipated by U.S. patent No. 5,649,000 issued to Lee et al. (Lee, hereinafter). Applicant has cancelled claims 1, 3-4, and 6-7. Therefore, Applicant respectfully submits that this rejection is moot with respect to Claims 1, 3-4, and 6-7.

With regard to claim 9, Applicant has amended this claim to include the limitation: *"wherein the spread spectrum modulator modulates the spread spectrum data in accordance with a code channel selection signal that is determined in accordance with a subset of bits of the received data."* This limitation was originally claimed in claim 5; therefore, no new matter is added.

Applicant respectfully submits that Lee does not teach or even suggest all limitations of Applicant's claimed invention in claim 9. Specifically, Lee does not

disclose a “*modulator [that] modulates the spread spectrum data in accordance with a code channel selection signal that is determined in accordance with a subset of bits of the received data,*” as now claimed in claim 9.

Therefore, since Lee neither teaches nor suggests at least the above-discussed limitation that is claimed in claim 9, Applicant respectfully requests the Examiner to withdraw this rejection.

**3. Rejection of Claims 1-2, 5, and 7-8 under 35 U.S.C. § 102(e)**

The Examiner rejected claims 1-2, 5, and 7-8 under 35 U.S.C. §102(e) as being anticipated by U.S. patent No. 6,064,663 issued to Honkashalo et al. (Honkashalo, hereinafter). Applicant has cancelled claims 1 and 7. Therefore, Applicant respectfully submits that this rejection is moot with respect to claims 1 and 7.

With regard to claim 5, Applicant respectfully submits that Honkashalo does not teach or even suggests all limitations of Applicant’s claimed invention. Specifically, Honkashalo does not disclose “*modulating the received spectrum data in accordance with a code channel selection signal . . . determined in accordance with a subset of bits of the received data,*” as claimed in claim 5.

With regard to claims 2 and 8, Applicant respectfully submits that Honkashalo does not teach or even suggests all limitations of Applicant’s claimed invention. Specifically, Honkashalo does not disclose “*upconverting the modulated data for transmission at a frequency determined in accordance with a selection signal, wherein the selection signal is determined in accordance with a subset of bits from the received data,*” as claimed in claim 2. Neither does Honkashalo disclose or even suggest an “upconverter having a carrier frequency that changes in accordance with a predetermined pattern, wherein the

predetermined pattern is determined by a subset of bits from the spread spectrum data," as claimed in claim 8.

Therefore, since Honkashalo neither teaches nor suggests at least the above-discussed limitation that is claimed in claim 9, Applicant respectfully requests the Examiner to withdraw this rejection.

#### **4. New Claims**

Applicant has added claims 12-16. No new matter is added. Claims 13 and 15 include subject matter originally claimed in claim 2, and claims 14 and 16 include subject matter originally claimed in claim 5.

#### **5. Rejection of Claims 10 and 11 under 35 U.S.C. § 102(e)**

The Examiner rejected claim 10 and 11 under 35 U.S.C. §102(e) as being anticipated, respectively, by U.S. patent No. 5,442,625 issued to Gitlin et al. and U.S. patent No. 5,623,487 issued to Natali. Applicant has cancelled claims 10 and 11. Therefore, Applicant respectfully submits that these rejections are moot.



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**CONCLUSION**

Applicant believes to have responded to each and every rejection in the Office Action dated December 20, 2000. Applicant respectfully requests reconsideration and allowance of claims 2, 5, 8-9, and 12-16.

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Respectfully submitted,

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